

**STAFF MEETING MINUTES
LANCASTER COUNTY BOARD OF COMMISSIONERS
COUNTY-CITY BUILDING
ROOM 113
THURSDAY, AUGUST 23, 2001
8:15 A.M.**

Commissioners Present: Kathy Campbell, Chair
Bob Workman, Vice Chair
Larry Hudkins
Ray Stevens

Commissioners Absent: Bernie Heier

Others Present: Kerry Eagan, Chief Administrative Officer
Gwen Thorpe, Deputy Chief Administrative Officer
Bruce Medcalf, County Clerk
Trish Owen, Deputy County Clerk
Ann Taylor, County Clerk's Office

The Staff Meeting was called to order at 8:20 a.m.

AGENDA ITEM

1 APPROVAL OF STAFF MEETING MINUTES OF TUESDAY, AUGUST 7, 2001 (3 P.M.) AND THURSDAY, AUGUST 16, 2001

MOTION: Workman moved and Stevens seconded approval of the Staff Meeting minutes of Tuesday, August 7, 2001 (3 p.m.) and Thursday, August 16, 2001. Workman, Stevens, Hudkins and Campbell voted aye. Motion carried.

2 ADDITIONS TO THE AGENDA

- A. Appointments to the Planning Commission
- B. Management Team Retreat
- C. Juvenile Management Information System
- D. Constituent Tracking System
- E. Families First & Foremost (F³) Worksession

MOTION: Hudkins moved and Stevens seconded approval of the additions to the agenda. Hudkins, Stevens, Workman and Campbell voted aye. Motion carried.

3 EXECUTIVE SESSION (REAL ESTATE) - Don Killeen, County Property Manager

See Item 4.

4 EXECUTIVE SESSION (PENDING LITIGATION) - Gary Lacey, County Attorney; Mike Thew, Chief Deputy County Attorney

MOTION: Hudkins moved and Stevens seconded to enter Executive Session at 8:22 a.m. for discussion of pending litigation and negotiation of real estate. Hudkins, Stevens, Workman and Campbell voted aye. Motion carried.

MOTION: Workman moved and Hudkins seconded to exit Executive Session at 9:02 a.m. Workman, Hudkins, Stevens and Campbell voted aye. Motion carried.

5 CABLE TV IN THE COUNTY - Beth Scarborough, Time Warner Cable, Nebraska Division President; Steve Huggenberger, Assistant City Attorney

Beth Scarborough, Time Warner Cable, Nebraska Division President, gave an overview of cable television service in the County, referring to a map of service areas for Time Warner Cable, Galaxy Cablevision and Charter Digital Cable (Exhibit A).

Hudkins asked whether Time Warner has aggressively sought to provide cable service to the Galaxy service area, which includes five of the County's villages.

Scarborough said Galaxy's properties in Nebraska are for sale but said the company is unwilling, at this time, to separate out this region. She said Time Warner is also interested in providing service to the City of Waverly and will continue discussions with Charter Digital Cable, the cable provider for that area.

Hudkins said the area northwest of Lincoln is considered to be a high growth area with four major housing developments in the works and suggested that Time Warner seek expansion in that area.

Scarborough explained that Time Warner is most interested in reaching the areas that are contiguous to Lincoln and explained that a density of 25 homes per mile is required to make expansion cost effective.

Hudkins asked whether Time Warner Cable would be willing to make government access channels available to the other cable providers at a reasonable cost.

Scarborough said Time Warner would not object to making the programming available but said a connection is necessary for instant feed. She noted that another option would be for the 5-City TV Studio to provide tapes of the broadcasts to those providers.

In response to a question from Stevens, Scarborough stated no franchise is exclusive.

Workman asked whether fiber optic lines in the northeast portion of the County could be utilized to extend service to those rural communities.

Scarborough said Time Warner does not typically utilize another company's fiber optic lines.

Hudkins asked Time Warner to explore ways to provide cable service to the rest of the County.

Scarborough commented that a number of rural residents have satellite dishes and are not interested in switching to cable service.

Kerry Eagan, Chief Administrative Officer, suggested that use of other technologies may be the way to reach rural residents.

6 REDISTRICTING - Kent Morgan, Assistant Planning Director; Mike DeKalb; Planning Department; Dave Shively, Election Commissioner

Kent Morgan, Assistant Planning Director, said the Election Commissioner has completed realignment of voter precinct boundaries and said a Geographic Information System (GIS) database has been developed to assist the County Board and City Council with redistricting. He gave a brief overview of the following (Exhibit B):

O Process Considerations

1. Creating alternative district plans
2. Public review of alternative district plans
3. Number of alternative plans for formal public comment
4. Time frame for plan development and review
5. Other process considerations

O Technical Considerations

1. Whether to create district boundaries using election precincts?
2. What statistical standard will be used to determine if alternative district plans are substantially equal in population?
3. Are there any unique geographic areas that should be considered in the development of alternative district plans?
4. Are there any geographical boundary lines that should be considered in the development of alternative district plans?
5. Are there any other special or distinctive factors that should be considered in the development of alternative district plans?

Morgan also reviewed *Table 1, City Council and County Board Districts: Comparison of 1990 and 2000 Population Figures* (see Exhibit B).

NOTE: The following maps were also referenced: *Existing Lancaster County Commissioner Districts* and *Existing County Commissioner Districts with New Voting Precincts*.

Board consensus was to establish a population standard of one to two percent for the Commissioners' new districts and to maintain an urban/rural mix. It was also suggested that future growth be taken into account in the redistricting.

The Planning Department provided Board members maps of the districts and agreed to provide demonstrations of the GIS software. A worksession on the redistricting will be scheduled in the future.

- 7 **A) CROOKED CREEK, FINAL PLAT NO. 99004, AT 134th & "O" STREET (SPLIT JURISDICTION WITH CITY); B) HAWK'S POINTE, FINAL PLAT NO. 01022, AT NORTH 1ST & RAYMOND ROAD; C) CHRISTIAN HERITAGE CHILDREN'S HOME, COUNTY SPECIAL PERMIT NO. 189, AT SOUTH 148TH & OLD CHENEY ROAD** - Mike DeKalb, Planning Department

County Final Plat No. 99004, Crooked Creek

Mike DeKalb, Planning Department, reviewed County Final Plat No. 99004, Crooked Creek, a request from Brian Carstens representing 134th & O Street Partnership, for approval of a final plat for a subdivision comprised of 41 lots and one outlot within the boundaries and part of the Crooked Creek Golf Course (Exhibit C). He said there is split jurisdiction with the City, which approved the preliminary plat through the Planning Commission. DeKalb also reported that improvements are either in place or are in escrow.

In response to a question from Hudkins, DeKalb said the Nebraska Department of Environmental Quality and Lincoln/Lancaster County Health Department have determined that there is sufficient water to serve the subdivision.

Stevens asked whether further development is anticipated in the area.

Campbell noted that County Change of Zone No. 147, a request from Peter Katt representing Steve Champoux to change the zoning on property at the northwest corner of 134th & "A" Streets from Agricultural (AG) to Agricultural Residential (AGR), has remained on pending until there is direction with regards to the beltway and the Stevens Creek Basin.

DeKalb explained that the developer is bound by the terms of the special permit that apply to the golf course and the density within its community unit plan under Agricultural Residential (AGR) zoning. He noted, however, that the developer would not be precluded from seeking a change of zone and an amendment to the special permit to change the density in the future, if circumstances surrounding the golf course change.

County Final Plat No. 01022, Hawk's Pointe

DeKalb reviewed County Final Plat No. 01022, Hawk's Pointe, a request from Eric Pavey for approval of a final plat to create six residential lots and one out lot for open space and environmental preservation on property at the southwest corner of North 1st Street and West Raymond Road (Exhibit D).

County Special Permit No. 189, Christian Heritage Children's Home

DeKalb reviewed County Special Permit No. 189, a request from the Christian Heritage Children's Home for a special permit to construct and operate a health care facility (a residential facility for up to 32 adolescent children consisting of four residential units with 8 adolescents per unit) and offices for the Christian Heritage Children's Home, a philanthropic institution, at a location of South 148th Street and Old Cheney Road (Exhibit E). He said the Planning Commission has recommended approval, with conditions. DeKalb noted there was substantial testimony at the Planning Commission's public hearing and said neighbors questioned the impact to the Waverly school district and the neighborhood and inquired about the type of adolescents that will be placed in the facility.

Kit Boesch, Human Services Administrator, appeared and presented an analysis of the special use permit request (Exhibit F). She explained that youth placed in the facility will be classified as having low to moderate needs and are wards of the State as a result of child abuse, neglect, behavior problems or school expulsion. Placement will be made by the Nebraska Department of Health and Human Services (HHS) and will come from the Region V area (90% estimated from Lancaster County).

Boesch said concerns appear to be threefold:

- 1.) County regulation that you can only build one residence on 20 acres while Christian Heritage seeks to build five residences (zoning treats this as a one use on a premise in a campus setting).
- 2.) There will be a reoccurrence of problems encountered at a facility in Firth, Nebraska where youth were perceived to be unsupervised and out-of-control and there was a high volume law enforcement calls for destructive behaviors (youth placed at Firth were generally placed for delinquent behavioral problems while youth at Christian Heritage would primarily be guilty of status offense behaviors).

- 3.) That Christian Heritage will close its facilities in Hickman, Nebraska and will move them to this location (Christian Heritage has indicated that it has no plans to do so).

Boesch said Juvenile Probation is very supportive of Christian Heritage's plans and has been seeking another location to place females since Unity Home at Cedars closed. She added that it will be more cost effective to place youth that are on probation and must have out-of-home placement in a facility within the County, rather than placement at a facility in Omaha, Nebraska.

Boesch noted the following options:

- Option 1: County Board approves all five buildings at this time so as not to repeat the permit process.
- Option 2: County Board approves only two houses and the office building. Christian Heritage Children's Home comes back through the process for the other two houses when ready to build.
- Option 3: County Board approves all five buildings with these special conditions: If after one year of operation (opening of two homes) building permit for two additional homes may only be issued after: (1) a letter of support is submitted by Nebraska Department of Health and Human Services (HHS) indicating that Christian Heritage Children's Home standards and quality of service continues to meet HHS requirements; and (2) County Sheriff has validated that the nature and quantity of valid calls for service from law enforcement do not exceed other areas with similar facilities.

Boesch recommended that the Board proceed with Option 3.

In response to a question from Hudkins, DeKalb said Christian Heritage will provide the youth transportation to school and activities.

Gregg Nicklas, Christian Heritage Children's Home President, appeared and stated that the youth that have been in Lincoln Public Schools for two years or longer will continue to attend those schools.

Campbell noted that Commissioner Heier has requested a County Attorney's opinion on the zoning issue. She also asked that Christian Heritage provide the Board with a listing of its Board of Directors prior to the September 4, 2001 County Board of Commissioners Meeting and recommended that Nicklas contact the Bennet Rural Fire Department.

8 SNOW REMOVAL FOR VILLAGES - Don Thomas, County Engineer

Don Thomas, County Engineer, explained that the incorporated villages of Raymond, Sprague, Hallam and Davey and the Pine Lake Sanitary Improvement District (S.I.D.) contract with the County for snow removal of their streets. He said this takes time away from the priority of snow removal on county roads and proposed that renewal of the contracts be limited to the six month period commencing January 1, 2002, which will get the communities through next winter.

Thomas said his department provides some snow removal in all of the County's communities, such as extensions of county roads or the roads leading from the patrol stations. He said he would like to continue this service but said a County Attorney's opinion is needed as to whether the service can continue to be provided free of charge as it constitutes spending county funds within incorporated villages.

The Chair asked Thomas to copy the Board on letters to the incorporated villages and the request for a County Attorney's opinion.

9 ENVIRONMENTAL TRUST GRANT FOR SALINE WETLAND PRESERVATION - Chris Beutler, Development Consultant for Parks & Recreation Department; Terry Genrich, Parks & Recreation Natural Resources Manager

Terry Genrich, Parks & Recreation Natural Resources Manager, said there has been a lot of discussion of how to preserve saline wetlands in the Little Salt Creek area. He noted that the application deadline for a Nebraska Environmental Trust Grant is September 10, 2001 and suggested that this may be an opportune time for public/private organizations to partner and seek funding for preservation, similar to the project in which conservation easements were purchased in the 100-year floodplain of Salt Creek, south of Wilderness Park.

Chris Beutler, Development Consultant for Parks & Recreation Department, distributed the following materials (Exhibit G):

- O *Nebraska Salt Marshes: Last of the Least* (a booklet published by the Nebraska Game & Parks Commission)
- O *Project Summary*
- O Example of a warranty easement deed
- O List of anticipated partners
- O Proposed County Board resolution

Beutler explained that \$900,000 is being sought from the Nebraska Environmental Trust for a three year grant. He said these funds will be used to acquire saline wetlands and associated wetlands on a willing seller basis; allow for acquisition of conservation easements and land; and provide for a Saline Wetlands Coordinator. Beutler said \$75,000 in matching funds is being sought from each of the major partners and said the City of Lincoln, Lower Platte South Natural Resources District (NRD) and Nebraska Game & Parks Commission have already agreed to participate. He requested a similar contribution from Lancaster County.

Beutler noted that the Wetlands Reserve Program, which is run by the United States Department of Agriculture's (USDA's) Natural Resources Conservation Service, is ready to focus on the saline wetlands and said the Nebraska Environmental Trust Grant can dovetail with those efforts.

Eagan said perhaps easements on wetlands could be used as a density bonus in clustered developments. He also suggested that management of common areas be coordinated with the Regional Park Open Space Authority (RPOSA) agreement for regional parks.

Campbell noted that the County utilized the Keno Fund to fund its participation in the project to purchase conservation easements south of Wilderness Park.

Eagan added that the City is talking about cutting back the County's share of the Keno Fund and said such action may restrict the County's ability to participate in projects of this sort.

In response to a question from Workman, Beutler said the County could restrict its contribution to the purchase of conservation easements and land. He said funding can also be deferred to the second or third year of the grant.

Stevens suggest that the County fund the greater portion of its contribution in the third year to provide the Board more time to plan for the expenditure.

MOTION: Workman moved and Stevens seconded to authorize \$75,000 from the Keno Fund, over a two year period, as match for the Nebraska Environmental Trust Grant and to stipulate that the County's contribution is only to be used for the purchase of saline wetlands or conservation easements, not administration. Workman, Stevens and Campbell voted aye. Hudkins voted no. Motion carried.

Hudkins stated that his vote of opposition was based on the fact the Commissioner Heier had not had a chance to participate in the discussion.

The Chair asked Genrich and Beutler to give Commissioner Heier a separate briefing on the matter.

Board consensus was to schedule a resolution to approve the commitment of funds to be placed on the September 4, 2001 County Board of Commissioners Meeting agenda.

10 ACTION ITEMS

A. Purchase Agreement for Blinds for Safety & Training Office (\$474.50)

MOTION: Hudkins moved and Stevens seconded approval of the purchase agreement and authorized signature by the Chair. Hudkins, Stevens, Workman and Campbell voted aye. Motion carried.

B. Microcomputer Requests:

1. C#2001-246 for \$713.92 from Adult Probation District Court Budget for 10 Memory Modules
2. C#2001-247 for \$17,874.29 from Juvenile Detention Center Building Bond Budget for 7 Compaq ENP Pentium III's, 7 Monitors, 10 Printers and Software
3. C#2001-248 for \$16,462.56 from Juvenile Detention Center Building Bond Budget for 12 DEC VT520 Amber Terminals, 12 Keyboards, 13 Printer Servers, Scanner, Projector, Laptop
4. C#2001-250 for \$668.65 from County Intensive Supervision Budget for 5 Soundcards, 5 Speaker Sets, 5 256meg Memory Modules

MOTION: Workman moved and Stevens seconded to approve Items B1, B2 and B3 and to hold Item B4. Workman, Stevens, Hudkins and Campbell voted aye. Motion carried.

C. Authorize Corey Steele, Juvenile Detention Expediter, to Attend Annual Juvenile Justice Conference in Pittsburgh, Pennsylvania, October 7-10, 2001

MOTION: Hudkins moved and Workman seconded to request that the Families First & Foremost (F³) Grant Program fund attendance at the conference by Corey Steele, Juvenile Detention Expediter. Hudkins, Workman, Stevens and Campbell voted aye. Motion carried.

11 CONSENT ITEMS

A. Authorize Kerry Eagan, Chief Administrative Officer, to Sign Proxy for Fidelity Magellan Fund

MOTION: Workman moved and Stevens seconded approval. Workman, Stevens, Hudkins and Campbell voted aye. Motion carried.

12 ADMINISTRATIVE OFFICER REPORT

- A. Attendance at United Way Kick Off Breakfast, Friday, September 7, 2001 from 7:30 a.m.- 9:30 a.m. at the Embassy Suites

Cori Beattie, County Board Administrative Secretary, will represent the Board at the event.

- B. Request for \$12,050 Expenditure to the Army Corps of Engineers to Complete Construction on the Emergency Streambank Protection Project Along the Left Bank of Elk Creek Near Malcolm, Nebraska

Dave Johnson, Deputy County Attorney, appeared and said concerns were relayed to the Army Corps of Engineers and they have agreed to provide an invoice. He said the item will be scheduled on the August 28, 2001 County Board of Commissioners Meeting agenda.

ADDITIONS TO THE AGENDA

- A. Appointments to the Planning Commission

The Chair agreed to contact Mayor Wesely and reiterate the Board's position on the appointments.

- B. Management Team Retreat

The Board tentatively scheduled the Management Team Retreat on October 4, 2001 at the State Capitol Building. An overview of the legislative process and issues will be provided.

- C. Juvenile Management Information System

Gwen Thorpe, Deputy Chief Administrative Officer, said she has viewed a demonstration of youth assessment center application software offered by Handel Information Technologies, Inc. of Laramie, Wyoming.

- D. Constituent Tracking System

Gwen Thorpe, Deputy Chief Administrative Officer, said she is working on a database for a constituent tracking system.

E. Families First & Foremost (F³) Worksession

The Board scheduled a worksession from 9 a.m. to 11 a.m. on September 25, 2001.

13 DISCUSSION OF BOARD MEMBER MEETINGS

A. District Energy Corporation - Heier, Hudkins

No report was given.

B. Families First & Foremost (F³) Conveners Group - Heier, Stevens

Stevens reported on efforts to develop an organizational structure.

C. Community Mental Health Center Advisory Committee - Stevens

Stevens said Dean Settle, Community Mental Health Center Director, is developing a plan for provision of awake third shift staff for The Heather facility and said any extra funds will go towards its implementation.

Campbell reported on a meeting held to discuss the Crisis Center situation and said a briefing for Governor Johanns will be scheduled in early September.

14 EMERGENCY ITEMS AND OTHER BUSINESS

The Chair requested a clarification from the County Attorney's Office regarding court action filed against Diamond Head Ranch Golf Club, L.L.C., prior to the public hearing on the special permit request which is scheduled for September 11, 2001. The Chair asked Mike DeKalb, Planning Department, to notify Stephen Mossman, attorney representing Diamond Head Ranch Golf Club L.L.C., and Mark Hunzeker, attorney representing neighboring landowners, of the Board's request.

15 ADJOURNMENT

MOTION: Stevens moved and Workman seconded to adjourn the meeting at 12:28 p.m. Stevens, Workman, Hudkins and Campbell voted aye. Motion carried.

Bruce Medcalf
County Clerk